

THIRTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, Oct. 27, 1871. }

Senate met pursuant to adjournment. President Campbell presiding. Roll called. Quorum present.

Absent—Senators Flanagan, Fountain, Parsons and Saylor.

Absent, excused—Senator Pickett.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Report of Committee on Education :

COMMITTEE ROOM,
Austin, Oct. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Education, to whom was referred Senate bill No. 529, have had the same under careful consideration and a majority thereof instruct me to report it back with the recommendation that it do pass.

E. PETTIT, Chairman.

Report read and laid over under the rules.

Report of Committee on State Affairs:

COMMITTEE ROOM,
Austin, Oct. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 524, a bill to be entitled "An act to incorporate the Point Isabel City Company," have had said bill under careful consideration, and I am instructed to report the bill back to the Senate and recommend its passage.

S. W. FORD, Chairman.

Report read and laid over under the rules.

BILLS AND RESOLUTIONS.

By Senator Ruby: a bill (Senate bill No. 531) to be entitled "An act for the protection of dumb animals." Read first time and referred to the Committee on Judiciary.

By Senator Bowers : a bill (Senate bill No. 532) to be entitled "An act to incorporate the Gatesville Bridge Company." Read first time, rules suspended, read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Ruby the rules were further suspended, and Senate bill No. 532 read third time and passed.

BILLS ON THIRD READING.

House joint resolution No. 17, "Joint resolution authorizing the Governor to lease out the lands appropriated for the benefit of the Lunatic, Blind, and Deaf and Dumb Asylums." Resolution read third time.

Senator Mills moved to refer the resolution to a select committee of three.

Senator Ruby moved that the Senate resolve itself into a Committee of the Whole to consider the resolution.

Yeas and nays called for and the Senate agreed to resolve itself into a Committee of the Whole by the following vote :

Yeas—Mr. President, Baker, Bell, Flanagan, Ford, Gaines, Hall, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—16.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Latimer, Mills, Pyle, Shannon—10.

[Senator Pridgen called to the chair.]

Pending the consideration of House joint resolution No. 17 in the Committee of the Whole, the President resumed the chair for the purpose of receiving a message from the House.

Message from the House by the Chief Clerk, Mr. Gallant, returning the following Senate bills, with information that the House had passed the same without amendment, to-wit: Senate bill No. 171, "An act to incorporate Victoria Fire Company No. 1;" Senate bill No. 178, "An act to repeal an act approved August 10, 1870, entitled 'an act to amend an act to incorporate Herman's University, approved January 27, 1844,' as amended by an act passed April 11, 1846;" Senate bill No. 475, "An act to amend the third section of 'an act to incorporate the Carthage Branch Railway Company;" Senate bill No. 504, "An act to provide for appeals from interlocutory judgments in the district courts of the State."

And, informing the Senate that the House agrees to the following Senate amendments to House bill No. 776, "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871, to-wit :

1. Amend section two, line two, by striking out the words "at

the earliest day practicable," and insert the words "as soon as there is money enough in the treasury for that purpose."

2. Amend section four by inserting after the word "that" in first line, the words "interest-bearing bonds."

3. Amend caption by adding thereto the words "and the act, supplemental thereto, approved May 22, 1871."

And the House disagrees to the following Senate amendments, to-wit:

1. Amend section five by adding thereto the words, "*provided*, that the holder of any interest-bearing bond or bonds, as described in section four of this act, may retain possession of the original of such bond or bonds, and the Auditorial Board created by the act to which this is a supplement, shall cause to be endorsed on said bond or bonds the word 'genuine,' which endorsement shall be dated and signed by the president of the board, and shall be sufficient to authorize the payment of the principal and interest of such bonds according to their tenor and effect; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated to pay the interest and principal of such bonds."

2. Amend section two line three, by inserting the words, "not otherwise appropriated," after the word "purpose."

Also, the House disagrees to the following Senate amendment to House concurrent resolution No. 12, in regard to adjournment: In line six, to strike out all after words "12 o'clock M.;" (*provided*, an election for members of the next Legislature, and for other vacant offices, is provided for by law, to take place during the coming winter;") and have appointed Messrs. Franks, Robertson and Robb as a committee on part of the House.

Also, transmitting for concurrence of the Senate, House bills as follows: House joint resolution No. 37, "Joint resolution substituting the term presiding justice in place of chief justice or county judge;" House bill No. 407, "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers;" House bill No. 691, "An act to repeal section twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled 'an act regulating public printing,' approved August 13, 1870;" House bill No. 628, "An act to authorize the County Court of Burleson county to levy and collect a special tax for the purpose of building a court house and jail;" House bill No. 713, "An act to incorporate the Buffalo Warehouse and Compress Company;" House bill No. 730, "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditures of moneys arising from the

same;" House bill No. 778, "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at the town of McKinney, on the first Monday in July, 1871;" House bill No. 792, "An act to incorporate the Karnes County Bridge Company;" House bill No. 803, "An act to authorize James R. Harrington to erect a toll bridge over White Rock creek, in Hill county, Texas;" House bill No. 809, "An act to incorporate the Lone Star Ferry Company;" House bill No. 810, "An act concerning private corporations."

Also, transmitting for signature of the President enrolled House bills as follows: House bill No. 337, "An act to regulate proceedings in the district courts of the State of Texas;" House bill No. 631, "An act to provide that certified copies of patents, grants and titles, as recorded in the General Land Office, and of deeds and other instruments relating to land recorded in any county of this State may be read in evidence as original testimony;" House bill No. 724, "An act authorizing and requiring the surveyor of Dallas county to transcribe certain records of his office and to make a general index. Enrolled House bills signed by the President in open session and returned to the House.

IN SENATE.

Committee of the Whole resumed, with Senator Pridgen in the chair.

Senator Pridgen, chairman of the Committee of the Whole, reported that the committee recommended the passage of the resolution without amendment, and asked that the committee be discharged.

On motion of Senator Ruby the report was adopted, and the committee discharged.

Senator Ruby moved the adoption of the resolution.

Senator Douglas made the point of order that the reference of a bill upon its third reading to a committee of the whole placed the bill back upon its second reading.

The President ruled the point of order well taken, and the resolution on its second reading.

On motion of Senator Gaines the resolution was passed to a third reading.

Senator Evans moved that House joint resolution No. 17 be indefinitely postponed.

Yeas and nays called for, and the motion to indefinitely postpone lost by the following vote:

Yeas—Mr. President, Broughton, Dohoney Douglas, Evans, Mills, Shannon—7.

Nays—Baker, Bell, Bowers, Cole, Flanagan, Ford, Gaines,

Hall, Hertzberg, Hillebrand, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—17.

Senator Gaines moved to postpone the further consideration of the resolution until Monday next.

Senator Flanagan moved to lay the resolution on the table.

Yeas and nays called for, and House joint resolution No. 17 laid on the table by the following vote:

Yeas—Mr. President, Broughton, Dohoney, Douglas, Evans, Flanagan, Ford, Hall, Hertzberg, Hillebrand, Mills, Shannon, Tendick—13.

Nays—Baker, Bell, Cole, Gaines, Parsons, Pettit, Pridgen, Rawson, Ruby, Saylor—10.

On motion of Senator Pyle, the rules were suspended to take from file House bill No. 453, "An act to authorize the amendment of affidavits and bonds in certain cases." Read second time.

Upon motion of Senator Pyle, the following amendment, reported by the Committee on Judiciary, was adopted: Amend section one, line eight, by striking out the word "shall" and inserting the word "may."

Senator Broughton moved to amend by striking out the word "affidavit" wherever it occurs in the bill. Lost.

Bill passed to a third reading as amended.

Senator Pyle moved a further suspension of the rules to read the bill a third time. Lost.

By leave, Senator Bell submitted the following reports of the Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM, }
Austin, Oct. 27, 1871. }

Hon DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries have had under consideration and carefully examined the same, House bill No. 737, and ask me to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted,

J. G. BELL, Chairman.

Report read.

On motion of Senator Cole, the rules were suspended to consider the report and bill. Bill read second time and passed to a third reading.

On motion of Senator Cole the rules were further suspended, and House bill No. 737 read third time and passed.

COMMITTEE ROOM, }
Austin, Oct. 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 742, "An act to incorporate the Richmond Bridge Company," have carefully considered the same, and request me to report the same back, with the recommendation that it do pass, with the following amendment: Strike out in last line of section five the word "fifty" and insert "twenty-five."

All of which is most respectfully submitted.

J. G. BELL, Chairman.

Report read.

On motion of Senator Cole the rules were suspended to consider the report and bill. Bill read second time and the following amendment reported by the committee adopted: Amend by striking out in last line of section five the word "fifty" and insert "twenty-five."

Bill passed to a third reading as amended.

On motion of Senator Cole the rules were further suspended and House bill No. 742 read third time and passed.

On motion of Senator Cole the rules were suspended to take from file Senate bill No. 510, "An act to organize and define the powers of the Criminal District Court in and for the counties of Marion and Harrison, and to prescribe the duties thereof." Read second time.

Senator Rawson moved the engrossment of the bill.

Yeas and nays called for, and the bill ordered engrossed by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Gaines, Hertzberg, Hillebrand, Pettit, Pridgen, Pyle, Rawson, Saylor, Tendick—13.

Nays—Bowers, Broughton, Cole, Dohoney, Douglas, Evans, Latimer, Shannon—8.

Bill passed to a third reading.

Senator Rawson moved a further suspension of the rules to read the bill a third time. Lost.

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 776, "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871."

On motion of Senator Gaines, the Senate adhered to the following amendments, to which the House refused to agree, to-wit:

Amend section five by adding thereto the words "*provided*, that the holder of any interest-bearing bond or bonds, as de-

scribed in section four of this act, may retain possession of the original of such bond or bonds and the Auditorial Board created by the act to which this is a supplement, shall cause to be endorsed on said bond or bonds, the word "genuine," which endorsement shall be dated and signed by the president of the board, and shall be sufficient to authorize the payment of the principal and interest of such bonds, according to their tenor and effect; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated to pay the interest and principal of such bonds.

Amend section two, line three by inserting the words "not otherwise appropriated" after the word "purpose."

On motion of Senator Evans, the rules were suspend to take from file House bill No. 775, "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at the town of McKinney, on the first Monday in July, 1871." Read first time and passed to a second reading, rules suspended, read second time and passed to a third reading.

[Senator Pridgen in the chair.]

On motion of Senator Gaines, the rules were further suspended, House bill No. 775, read third time and passed.

On motion of Senator Parsons, the rules were suspended to take from file House bill No. 713, "An act to incorporate the Buffalo Warehouse and Compress Company." Read first time, passed to a second reading, rules suspended, read second time and passed to a third reading.

On motion of Senator Parsons, the rules were further suspended, House bill No. 713 read third time and passed.

On motion of Senator Flanagan, the rules were suspended to take from file Senate bill No. 489, "An act to incorporate the Texas Live Stock Insurance Company." Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Flanagan, the rules were further suspended, and Senate bill No. 489 read third time and passed.

Senator Baker moved that the Senate stand adjourned to 10:30 A. M. to-morrow.

Yeas and nays called for and motion carried by the following vote:

Yeas—Baker, Bell, Bowers, Broughton, Dohoney, Evans, Flanagan, Hillebrand, Latimer, Parsons, Pridgen, Pyle—12.

Nays—Ford, Gaines, Hertzberg, Mills, Pettit, Ruby, Saylor, Shannon, Tendick—9.

So the Senate, at 2:25 P. M., adjourned until 10:30 A. M. to-morrow.